

REMARKS/ARGUMENTS

Claims 1-5, 7-9, 11-13, 15-22 and 25-30 were examined. By this Amendment, claims 11-13 are canceled and claims 1, 15 and 20 are amended. Thus, claims 1-5, 7-9, 15-22 and 25-30 remain pending in the Application. Claims 27-30 are allowed. If, upon review of the present Amendment and Response, the Examiner feels that a telephone interview would further prosecution of the Application, the Examiner is invited to telephone the undersigned at (402) 496-0300.

Premature Final Rejection

The present Office Action was made final by the Patent Office. However, a second or subsequent action on the merits in any application should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include a limitation which should reasonably have been expected to be claimed. M.P.E.P. § 706.07(a). In the Response filed May 17, 2004, Applicant presented new claims which were subsequently allowed by the Patent Office. Applicant also amended the independent claims to present subject matter originally claimed in dependent claims 10 and 19, which was believed by Applicant to be patentable over the references cited. These amendments should reasonably have been expected. Consequently, Applicant submits that the finality of the rejection in the present Office Action is premature. Applicant therefore requests reconsideration and withdrawal of the finality of the rejection under MPEP 706.07(d).

Claim Rejections – 35 USC § 103

Claims 1-5, 7-9, 11-13, 15, 17-22 and 24-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikazu Nishimura et al. (EP 516 378 A1) in view of Karanovic et al. (US 6,347,154 B1) or Freker (US 6,041,016).

Applicant wishes to seek expeditious issuance of a patent containing claims directed to subject matter found allowable by the Patent Office. Thus, Applicant has

amended claims 1, 15 and 20 to include subject matter found allowable by the Examiner. However, Applicant does not acquiesce to the rejections of claims 1-5, 7-9, 11-13, 15, 17-22 and 24-26, and reserves the right to present claims drawn to the same or similar subject matter for consideration in a continuing application.

Claims 11-13 have been cancelled, obviating the rejections of these claims under 35 U.S.C. § 103.

CONCLUSION

In light of the foregoing arguments, reconsideration of all pending claims is requested, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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